

Appl. No. 10/840,042  
Docket No. 9630  
Amdt. dated October 2, 2007  
Reply to Office Action mailed on August 7, 2007  
Customer No. 27752

## REMARKS

### Claim Status

Applicants acknowledge the withdrawal of the prior action's rejections.

Claim 1 has been amended to define the claimed invention with greater specificity by reciting that the sanitary tissue product comprises a patterned fibrous structure comprising a random pattern of latex, wherein the sanitary tissue product exhibits an average effective caliper that is greater than the average sheet caliper of an identical sanitary tissue product in its non-patterned form. Support for the amendment is found throughout the Specification, especially at page 9, lines 11-13 and page 12, lines 9-11 and in the Claims as originally filed.

Claims 16 and 18 have been cancelled without prejudice by this Amendment.

Claims 1, 5 and 7-15 are pending in the present application.

### Rejection Under 35 USC §103(a) Over U.S. Patent No. 5,990,377 in view of

### U.S. Patent No. 5,944,273 and U.S. Patent No. 6,740,373

Claims 1, 5, 7-16 and 18 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,990,377 to Chen, et al. ("Chen") in view of U.S. Patent No. 5,944,273 to Lin et al. ("Lin") and evidenced by U.S. Patent No. 6,740,373 to Swoboda et al. ("Swoboda"). The Examiner asserts that Chen discloses a patterned fibrous structure (base sheet), which can be used in an absorbent article such as feminine pads, diapers, towels and wipes. The Examiner asserts that Chen teaches that its fibrous structure comprises a latex and exhibits a deformation height of up to 1200  $\mu\text{m}$ . The Examiner recognizes that Chen fails to teach that its sheets are in roll form. To overcome this deficiency, the Examiner combines the teachings of Lin, which the Examiner asserts discloses a process for winding uncreped tissue onto rolls, with the teachings of Chen. The Examiner also identifies Swoboda as evidence of latexes having a Tg in the claimed range.

Applicants respectfully submit that Chen in view of Lin fails to teach each and every element of Claim 1, as amended, the independent claim, because Chen and Lin fail

Page 4 of 6

Appl. No. 10/840,042  
Docket No. 9630  
Amdt. dated October 2, 2007  
Reply to Office Action mailed on August 7, 2007  
Customer No. 27752

to teach a sanitary tissue product comprising a patterned fibrous structure comprising a random pattern of latex. Applicants submit that Chen teaches that its fibrous structures comprise a non-random pattern of latex since Chen teaches that its latex is applied to the elevated regions of its fibrous structures.

Accordingly, Applicants submit that Claim 1, as amended, is not rendered obvious over Chen in view of Lin as evidenced by Swoboda. MPEP 2143.03. Further, Applicants submit that Claims 5 and 7-15 (Claims 16 and 18 have been cancelled), as amended, which ultimately depend from Claim 1, as amended, are not rendered obvious over Chen in view of Lin as evidenced by Swoboda. MPEP 2143.03.

Rejection Under 35 USC §103(a) Under U.S. Patent No. 5,409,572 in view of Swoboda

Claims 1, 5, 11 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw") in view of Swoboda, discussed above. The Examiner asserts that Kershaw discloses an embossed tissue of high softness having a depth of embossing of over 1524  $\mu\text{m}$  that comprises a latex. The Examiner asserts that Swoboda discloses latexes that exhibit glass transitions within the claimed range.

Applicants respectfully submit that Kershaw in view of Swoboda fails to teach each and every element of Claim 1, as amended, the independent claim, because Kershaw fails to teach a sanitary tissue product that exhibits an average effective caliper that is greater than the average sheet caliper of an identical sanitary tissue product in its non-patterned form.

Accordingly, Applicants submit that Claim 1, as amended, is not rendered obvious over Kershaw in view of Swoboda. MPEP 2143.03. Further, Applicants submit that Claims 5, 11 and 14, which ultimately depend from Claim 1, as amended, are not rendered obvious over Kershaw in view of Swoboda.

Appl. No. 10/840,042  
Docket No. 9630  
Amdt. dated October 2, 2007  
Reply to Office Action mailed on August 7, 2007  
Customer No. 27752

Rejection Under 35 USC §102(b) or in the

Alternative Under 35 USC §103(a) Over Kershaw

Claim 1 is rejected by the Examiner under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as defining obvious subject matter over Kershaw, discussed above.

Applicants respectfully submit that Kershaw fails to teach each and every element of Claim 1, as amended, because Kershaw fails to teach a sanitary tissue product that exhibits an average effective caliper that is greater than the average sheet caliper of an identical sanitary tissue product in its non-patterned form.

Accordingly, Applicants submit that Claim 1, as amended, is not anticipated by nor rendered obvious over Kershaw.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

C. Brant Cook

Typed or Printed Name

Registration No. 39,151

(513) 634-1533

Date: October 2, 2007

Customer No. 27752

(Amendment-Response to Office Action.doc)  
Revised 11/17/2006